

Regular Session, 2010

HOUSE BILL NO. 813

BY REPRESENTATIVE KATZ

BOARDS/COMMISSIONS: Expands the La. State Board of Medical Examiners' authority to assess and collect costs and fines

## 1 AN ACT

2 To amend and reenact R.S. 37:1285(C), relative to the Louisiana State Board of Medical  
3 Examiners; to authorize the board to render decisions, consent orders, or other agreed  
4 orders to require a license or permit holder to pay all costs of the board proceedings,  
5 including certain ancillary expenses; to authorize the board to recover costs and  
6 attorneys' fees if the cost of board proceedings are not paid within the time specified  
7 by the board; to provide that the board's authority is applicable to active or  
8 unresolved cases or pending court cases; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 37:1285(C) is hereby amended and reenacted to read as follows:

11 §1285. Causes for nonissuance; suspension; revocation; or the imposition of  
12 restrictions; fines; reinstatement; publication of action; stays

13 \* \* \*

14 C.(1) The board may, as ~~a probationary condition, or as a condition of the~~  
15 ~~reinstatement of any license or certificate suspended or revoked hereunder, part of~~  
16 a decision, consent order, or other agreed order, require ~~the~~ a license or permit holder  
17 or an applicant to pay all costs of the board proceedings, including but not limited  
18 to investigators', stenographers', and attorneys' fees, witness fees and expenses, and  
19 the per diem and expenses of the members of the board's hearing panel, and to pay  
20 a fine not to exceed the sum of five thousand dollars.

1                   (2) If for any reason the costs or fine imposed by the board under this  
2                   Section are not paid within the time specified by the board, the board may recover  
3                   costs and attorneys' fees associated with their collection.

4                   (3) The board may authorize any member of the board to sign an affidavit,  
5                   petition, or other legal process authorized by this Part, including but not limited to  
6                   a petition in any court of competent jurisdiction, for a money judgment for any and  
7                   all costs and fines payable pursuant to a final decision, consent order, or other agreed  
8                   order. This authorization shall be applicable to active or unresolved cases or pending  
9                   court cases.

\* \* \*

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

# DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Katz

HB No. 813

**Abstract:** Authorizes the La. State Board of Medical Examiners to assess costs and fees associated with board proceedings and collect costs and attorneys' fees in collections.

Present law allows the board to require a license or permit holder to pay the costs of board proceedings, including investigators', stenographers', and attorneys' fees, as a probationary condition or as a condition of reinstatement of a license or certificate suspended or revoked. Also, establishes a fine not to exceed \$5,000.

Proposed law changes present law by removing the fact that the board may collect costs and expenses associated with board proceedings as a probationary condition or as a condition of reinstatement of a license or certificate suspended or revoked. Instead, proposed law authorizes the board to require a license or permit holder or applicant to pay the costs and expenses of board proceedings through a board decision, consent order, or other agreed order. Proposed law also adds authority to collect additional expenses, such as witness fees and expenses, and the per diem and expenses of the members of the board's hearing panel. Proposed law retains the authority in present law to issue fines not to exceed \$5,000.

Proposed law authorizes the recovery of costs and attorneys' fees in the collection of the costs of board proceedings, fines, and other ancillary costs if they are not paid within the time specified by the board.

Proposed law authorizes any member of the board to sign an affidavit, petition, or other legal process authorized by law, including but not limited to filing a petition for a money judgment for any and all costs and fines payable pursuant to a final decision, consent order, or other agreed order. Specifies that proposed law is applicable to active or unresolved cases or pending court cases.

Effective upon signature of governor or lapse of the time for gubernatorial action.

(Amends R.S. 37:1285(C))